

Opening Statement for Rep. Joe Pitts
Energy and Commerce Subcommittee on Health
Hearing on “The Cost of the Medical Liability System Proposals for Reform,
including H.R. 5, the Help Efficient, Accessibly, Low-cost, Timely Healthcare
(HEALTH) Act of 2011”
(Remarks Prepared for Delivery)

An article in Health Affairs in September 2010 titled, “National Costs of the Medical Liability System,” estimated that medical liability costs, including defensive medicine, were \$55.6 billion in 2008 dollars, or 2.4 percent of total health care spending.

According to the Kaiser Family Foundation, total payments on medical malpractice claims in 2009 totaled \$3,471,631,100. The average claims payment for 2009 was \$323,273.

Let me share with you what this means to my home state of Pennsylvania.

Again, according to Kaiser, Pennsylvania ranked second, behind New York, in the total dollars paid out in malpractice claims at \$295,459,500, and the average claims payment in Pennsylvania was higher than the national average.

Pennsylvania also paid more malpractice claims than any state except New York, California, and Florida, with 767 paid claims in 2009.

According to the Pennsylvania Department of Health, nearly 20 percent of the physicians who practice primary care say they will leave Pennsylvania in five years or less; and only one in three physicians who complete their medical degree in Pennsylvania plan to remain in the state to practice.

Over the years, numerous physicians have called my office to tell me how the medical liability climate in Pennsylvania has affected their practices. Usually, these are OBGYNs, but sometimes doctors from other specialties call.

Up until a few years ago, they would tell me and my staff that while they had planned to practice for five, six, or even more years, they were retiring early because they just couldn't afford their malpractice insurance premiums.

Or they would say they were forced to move their practices to nearby Delaware to remain financially viable. Recently, doctors have begun to tell me they are moving to North Carolina to set up practice.

Apparently, other states have a much less onerous medical malpractice climate, and Pennsylvania's loss is their gain.

My home state consistently ranks as having one of the worst medical liability climates in the nation. The high legal costs paid by Pennsylvania health care providers increase overall health care costs, limit access to medical care, and inhibit job growth.

We all agree that patients who are injured by medical mistakes should be promptly and fairly compensated.

However, capping non-economic medical malpractice awards does not deny patients their day in court or fair compensation. It merely reins in over-the-top verdicts and allows conscientious doctors to afford insurance coverage and serve their patients.

The current medical liability system does not work for anyone, especially patients who need access to quality health care.

Like it or not, patients are inescapably intertwined in this malpractice mess, where some receive unlimited court awards and the rest of us are left with limited healthcare and higher costs.

We need to find a balance where conscientious doctors can afford insurance coverage and patients can get quality care when and where they need it.

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